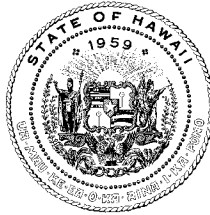
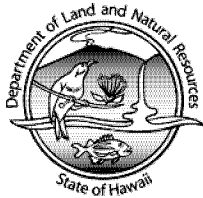


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**MINUTES
OAHU ISLAND BURIAL COUNCIL MEETING**

DATE: WEDSNESDAY, JULY 9, 2008
TIME: 10:00 A.M.
PLACE: DEPARTMENT OF LAND AND NATURAL RESOURCES
1151 PUNCHBOWL STREET, ROOM 322B
HONOLULU, HAWAII 96813

ATTENDANCE:

Members: Kehau Abad
Cy Bridges
Shad Kane
Aaron Mahi
Leimaile Quiteves
Alice Greenwood
Kehau Kruse
Kawika McKeague

Absent: Charles Ehrhorn (excused)
Jace McQuivey (excused)
Hina Wong (excused)
Andy Keliikoa (excused)

Staff: Lauren Morawski, Oahu Archaeologist
Linda Kaleo Paik, Cultural Specialist
Vince Kanemoto, Deputy Attorney General

Guests: Susan Robbins, HHCTCP
Stephanie Robert, HHCTCP
Nalani Dahl, HHCTCP
Bruce Nagao, HHCTCP
Matt McDermott, Cultural Surveys Hawaii, Inc
Jeff Pantaleo, Jeffrey Pantaleo Consultants, LLC
Lani Lapilio, Kuiwalu
Jean Raser

I. CALL TO ORDER

Quorum was established and Vice-Chair McKeague called the meeting to order at 10:15 a.m. Bridges offered the pule. A non-substantial change was made on the agenda changing the wording from Thursday, July 9 to Wednesday, July 9, 2008. The Lt. Governor's office already received the amended agenda but for the purpose of conducting business today, the change has to be voted on.

It was moved and seconded to approve the amended agenda. It was unanimously passed.

II. INTRODUCTION OF COUNCIL MEMBERS AND SHPD STAFF & ROLL CALL

As the council members introduced themselves, Kaleo Paik recorded those members present. SHPD staff also introduced themselves.

III. OPENING REMARKS

Vice-Chair McKeague explained to the public the purpose of the meeting and the council's ground rules.

IV. APPROVAL OF MEETING MINUTES

Corrections to minutes of June 12, 2008 were the date on the minutes, Wednesday to Thursday June 12, 2008

Motion to accept minutes as corrected (Mahi/Kruse)

Vote: yes, unanimous

Minutes approved as corrected.

V. COUNCIL ACTIONS

A. Previously Identified remains discovered during data recovery on Fanger Property located at 54-327 Kamehameha Highway, Kaipapa'u, Ahupua'a, Ko'olaupia District, Island of Oahu

[TMK: (1) 5-4-03: 3, 52-54]

Informational/Discussion: Informational presentation by Jeff Pantaleo of Jeffrey Pantaleo Consultants, LLC on the history and construction activities proposed for the above mentioned property.

Joe Pantaleo gave a brief history of the project and passed out a handout to Council. There were 3 complete In Situ burials and 1 incomplete impacted remain found during data recovery of a secondary find. This remain was of a single mandible fragment. The 3 In Situ are in the 40 foot coastal set back and will not be developed. The mandible is in the footprint of the proposed building. There are 2 options that are being proposed for this fragment, one to preserve in place or to relocate along with the other In Situ within the 40 foot set back.

Kruse voice a concern that the 40 foot set back would be sand and that there would be possibility of erosion. Pantaleo pointed out the area is now covered in sand and feels that would not be a problem.

Pantaleo explained the excavation process and did data recovery for the foot print of the house. Monitoring will be conducted on the project. Questions arose about the Barrerra report Site 1430 subsurface cultural deposit with one burial. Pantaleo established that this burial was treated as previously identified remains. Abad asked to clarify why this burial was categorized as previously identified remains. Pantaleo explained that the remains were found within a site that already contained a burial and that this area was designated as a burial site. Pantaleo assured the council that he will take the recommendations from the Council for the preparation of the Burial Treatment Plan. He is hoping that he can bring a draft to the Council at the August meeting for review and comment. Bridges asked if there a swimming pool was in the plan and Pantaleo said the pool was eliminated.

B. Legislative Task Force

Information/Discussion: Council discussion on the status of Bill 2644 and possible items for the 2009 legislative packet.

Bill 2644 did not pass the final stages in the House. The bill clarified the qualifications of the State Historic Preservation Officer.

McKeague talked with the Chair in including this legislative Task Force as an ongoing agenda item.

Abad explained that the reason the Governor vetoed the bill was it would unreasonably restrict the pool of candidates for chair of DLNR.

Quiteves would like to have the task force keep in mind the definition of inadvertent as it applies to discoveries and change the language to better follow the intent and protection of iwi. A step would be to clarify the law through legislative action.

C. Informational Update on the Honolulu Rapid Transit Honouliuli, Ho‘ae‘ae, Waikele, Waipio, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, Aiea, Halawa, Moanalua, Kahauiki, Kapalama, Nuuanu, Pauoa, Makiki, Manoa, and Waikiki Ahupua‘a, ‘Ewa and Kona Districts, Island of Oahu [TMK: Various]

Information/Discussion/Recommendation: Council discussion and recommendations on the project.

A brief summary of the progress for this project was given by Susan Robbins, oversight of the EIS for the project. A handout was distributed to the Council. Discussion also included the 3 alignments. Right now the administrative portion of the DEIS is being completed and will be sent to the FTA in early August for review. It is anticipated that the public review and comment will happen sometime in the October. In the meantime, the 106 consultation process is being conducted.

Through the consulting process reviews were done with 600 individual resources, 2 existing historic districts and 2 proposed historic districts in the Area of Potential Effect (APE) from east Kapolei to Ala Moana Center.

McDermott gave a briefing of the project from the potential impact involving burials. The cultural resources include prehistoric archaeology, historic archaeology and burials. The team members are Kuiwalu to do the cultural impacts and Mason Architects for historic buildings and structures. The process involves consultation with Hawaiian organizations, government agencies and landowners to establish areas of possible impact or effect. Then a MOA will be drafted to address any mitigation measures. This is a lengthy process and one that may not work with this project for it would mean that an intensive AIS be conducted prior to the start of the project. McDermott suggested that the best option would be to postpone the AIS until the design is complete. A preliminary technical archaeological study was conducted and chose one alignment as the best or lowest impact to the project area. The problem with doing the AIS at this point would be costly and cause inconvenience to the general public. McDermott proposed that the AIS be done after the design so that the actual footprint of the project would be tested. There is no doubt that the project would have adverse affect, it is rather choosing a plan that would minimize the effect. The plan is to break up the 28 mile project into 5 phases and that the AIS would precede each segment of construction. There is a two year window between the engineering, testing and actual construction. A small room for flexibility is available but only with the placement of the columns and most likely side to side instead of front and back. Ground penetrating radar will be used to assist in the AIS to locate potential finds.

Council members were very concerned that the 106 process has been skirted by postponing the AIS. Without a complete survey, the extent of the effect cannot be adequately determined in making a decision in the choice of alignment. Abad was concerned that the alignment has been determined in advance of the AIS and therefore the process has been short circuited. The impact on this project needs to be known in its entirety and not segment by segment.

McKeague wanted to know the details in the analysis and requested copies of reports for reference in future discussions. He wanted to know how institutional knowledge will be carried forward as this project will be constructed over a long period of time.

Kane wanted to know how to deal with areas such as Kalaeloa that has sink holes which may contain historical resources. A plan should be developed to deal with sink holes for the Honouliuli area.

The columns will be mostly in the median of existing roadways and are approximately 6 feet in diameter and about 120 feet deep. Abad raised a concern that though the columns may not be significant, the area effected will be far larger than the actual size of the column because of the support equipment needed to place the columns.

Quiteves voiced her concern that the MOA terms must match the reality of the project as she has seen first hand how the MOA has been amended as the project progresses. Her fear is that if the right decision is not made now, it will impact the Kupuna later. She would like to see the AIS done first.

McKeague wanted to know the real timeline for the consultation process to have optimum advantage to the concerned parties in having their voice heard through the MOA. He wanted to make sure the parties were given full opportunity to participate in the process.

Quiteves suggested that the AIS focus on areas of the highest likely hood of finding discoveries first and then work on the other areas. This would give more flexibility in placing the columns in the entire segment instead of adjustment along the way.

Abad wanted to put in the record that the 106 process has been circumvented by not having the AIS not done first.

McDermott stated that in cases where projects are on this large a scale, the AIS can be done after the design.

Rasor voiced his concern about the process and how the cultural resources must be addressed first and done right the first time. He compared this project to the Alii Highway in Kona where the process has taken 40 years and still not close to a solution. We must keep our eye on the project and ensure that our cultural resources are protected.

Abad asked McDermott which model would give more information from the testing. McDermott said that doing the front end (before engineering) would yield approximately 2 % but doing the AIS in the model he proposes would yield 25-30 % testing information. The idea that the Council wanted to make clear is that most discoveries would be previously identified by doing the more intensive survey.

A motion was made advocating via a letter in the form of a request to ACHP that OIBC be included as a signatory party on the MOA with a cc to DTS, FTA, SHPD and DPP. (Quiteves/Abad)

Vote: unanimous

D. Status Update on Section 106/NAGPRA Correspondence

Informational/Discussion/Recommendation: Report from the council's designees established to screen the review of Section 106/NAGPRA Correspondence. Council updates, discussion and recommendations.

Greenwood asked if the PA was discussed involving the policy with ACHP and was told it was discussed with Kane taking the lead at last month's meeting.

McKeague referenced a letter from Historic Hawaii Foundation in regards to their Draft PA among FHWA, HIDOT, SHPO and ACHP for implementation of minor transportation projects. He would like to get a copy of the PA.

Quiteves had a concern about the “no adverse effect” in the Waikane project. They are not doing UXO clearance and therefore no said no effect. However, Quiteves believes that even though there is no clearance there is still potential effect from UXO.

VI. SHPD INADVERTENT DISCOVERY REPORT

A. Lanipo Street

Kailua Ahupua‘a, Ko‘olaupoko District, Island of Oahu

Informational

The discovery was found during a Board of Water Supply project. A single flex individual was discovered. The burial was located in the tie-in connection. Decision was made to relocate as the remains were in a very narrow right of way and the water main could not be adjusted. SHPD is working with the DeSilva ohana to find an appropriate reburial site. Kaneohe Ranch offered a curation site on one of their facilities until the reinterment can occur.

VII. OTHER BUSINESS

A. Reminder that there are outstanding minutes from early in the year that have not been submitted as well as executive session minutes for 2 meetings.

VIII. ADJOURNMENT

Meeting was adjourned at 12:25 pm.

Respectfully submitted by,

Linda Kaleo Paik